

## CHAPTER 5

### HABITUAL OFFENDERS — OPERATING WHILE INTOXICATED THIRD OR SUBSEQUENT OFFENDERS

S.F. 113

**AN ACT** allowing certain operating-while-intoxicated offenders to be sentenced as habitual offenders, and making penalties applicable.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. [Section 321J.2, subsection 5](#), unnumbered paragraph 1, Code 2019, is amended to read as follows:

A third or subsequent offense is punishable by all of the following:

Sec. 2. [Section 321J.2, subsection 5](#), Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Notwithstanding the maximum sentence set forth in paragraph “a”, a person convicted of a third or subsequent offense may be sentenced as an habitual offender pursuant to [sections 902.8](#) and [902.9](#) if the person qualifies as an habitual offender as described in [section 902.8](#).

Approved March 21, 2019